

## **EXHIBIT B**

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|----|---|-----------------------|----|-------------------------------|--------|
| 1  | IN THE UNITED STATES DISTRICT COURT               |                       | 1  | INDEX                         |        |
| 2  | FOR THE   |                       | 2  | DEPONENT: TERRI PECHNER-JAMES |        |
| 3  | DISTRICT OF MASSACHUSETTS                         |                       | 3  | PAGE                          |        |
| 4  | TERRI PECHNER-JAMES and                           |                       | 4  | EXAMINATION BY MR. AKERSON    | 13     |
| 5  | SONIA FERNANDEZ,                                  |                       | 5  |                               |        |
| 6  | Plaintiffs  |                       | 6  |                               |        |
| 7  | VS.   | C.A. NO. 03-12499-MLW | 7  |                               |        |
| 8  | CITY OF REVERE, THOMAS                            |                       | 8  |                               |        |
| 9  | AMBROSINO, MAYOR CITY OF                          |                       | 9  | EXHIBITS                      |        |
| 10 | REVERE, POLICE DEPARTMENT,                        |                       | 10 | PAGE                          |        |
| 11 | TERRENCE REARDON, CHIEF,                          |                       | 11 |                               |        |
| 12 | BERNARD FOSTER, SALVATORE                         |                       | 12 | 1 21 Pages, Typewritten       | 90     |
| 13 | SANTORO, ROY COLANNINO,                           |                       | 13 | 2 One Page, Typewritten       | 126    |
| 14 | FREDERICK ROLAND, THOMAS                          |                       | 14 |                               |        |
| 15 | DOHERTY, JOHN NELSON, JAMES                       |                       | 15 |                               |        |
| 16 | RUSSO, MICHAEL MURPHY, and                        |                       | 16 |                               |        |
| 17 | STEVEN FORD,                                      |                       | 17 |                               |        |
| 18 | Defendants  |                       | 18 |                               |        |
| 19 |   |                       | 19 |                               |        |
| 20 |   |                       | 20 |                               |        |
| 21 |   |                       | 21 |                               |        |
| 22 | DEPOSITION of TERRI PECHNER-JAMES, taken at       |                       | 22 |                               |        |
| 23 | the request of the Defendants Foster, Santoro,    |                       | 23 |                               |        |
| 24 | Colannino, Roland, Doherty, Nelson, Russo, Murphy |                       | 24 |                               |        |
|    | and Ford, pursuant to Rule 30 of the Federal      |                       |    |                               |        |
|    | Rules of Civil Procedure, before Michael Gruber,  |                       |    |                               |        |
|    | a notary public in and for the Commonwealth of    |                       |    |                               |        |
|    | Massachusetts, on January 10, 2006, commencing at |                       |    |                               |        |
|    | 10:20 a.m., at the offices of Reardon, Joyce &    |                       |    |                               |        |
|    | Akerson, Esqs., 397 Grove Street, Worcester,      |                       |    |                               |        |
|    | Massachusetts.                                    |                       |    |                               |        |

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|----|--|--------|----|---|--------|
| 1  | APPEARANCES:                                     |        | 1  | MR. AKERSON: My name is Michael                   |        |
| 2  | FOR THE PLAINTIFFS:                              |        | 2  | Akerson. I'm an attorney for a variety of         |        |
| 3  | JAMES S. DILDAY, ESQ.                            |        | 3  | individual defendants in the above-captioned      |        |
| 4  | GRAYER & DILDAY, LLP                             |        | 4  | matter.   |        |
| 5  | 27 School Street Suite 400                       |        | 5  | I have scheduled this deposition of               |        |
|    | Boston, Massachusetts 02108                      |        | 6  | Ms. James -- Terri Pechner-James -- on a variety  |        |
| 6  | FOR THE DEFENDANTS CITY OF REVERE, AMBROSINO,    |        | 7  | of occasions prior to today, none of which of     |        |
| 7  | REARDON:   |        | 8  | those depositions have gone forward.              |        |
| 8  | PAUL CAPIZZI, ESQ., CITY SOLICITOR               |        | 9  | This deposition that we're at today,              |        |
| 9  | WALTER H. PORR, JR., ESQ., ASST. CITY SOLICITOR  |        | 10 | January 10, 2006, was set for earlier this month  |        |
| 10 | OFFICE OF THE CITY SOLICITOR                     |        | 11 | in January, but it was continued due to Mr.       |        |
| 11 | CITY HALL  |        | 12 | Dilday's unavailability. We scheduled it here     |        |
| 12 | 281 Broadway                                     |        | 13 | today at my office in Worcester.                  |        |
| 13 | Revere, Massachusetts 01251                      |        | 14 | All the parties -- relevant parties,              |        |
| 14 | FOR THE DEFENDANTS FOSTER, SANTORO, COLANNINO,   |        | 15 | that is -- are present here with respective       |        |
| 15 | ROLAND, DOHERTY, NELSON, RUSSO, MURPHY AND FORD: |        | 16 | counsel, along with the stenographer that our     |        |
| 16 | MICHAEL J. AKERSON, ESQ.                         |        | 17 | firm has hired for the deposition.                |        |
| 17 | REARDON, JOYCE & AKERSON, P.C.                   |        | 18 | Present in the conference room prior              |        |
| 18 | 397 Grove Street                                 |        | 19 | to my beginning this on-the-record dissertation   |        |
| 19 | Worcester, Massachusetts 01605                   |        | 20 | were Attorney City Solicitor Paul Capizzi;        |        |
| 20 |  |        | 21 | Assistant City Solicitor Walter Porr; Michael     |        |
| 21 |  |        | 22 | Akerson, of the firm of Reardon, Joyce & Akerson; |        |
| 22 |  |        | 23 | Mr. Dilday, of Grayer & Dilday; Terri             |        |
| 23 |  |        | 24 | Pechner-James; and Carlton Dasent, who is no      |        |
| 24 |  |        |    |   |        |

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|---|---|
| 1 longer an attorney of record in this case, or at<br>2 all with the Mass. Bar.   | 1 conclusion that if she cannot have somebody with<br>2 her for moral support she will not take part in<br>3 the deposition.  |
| 3 We spoke a few moments ago, Mr.<br>4 Dilday. Just to make sure I'm clear -- you<br>5 correct me if I'm mistaken; I put that burden on<br>6 you, sir -- I asked what Mr. Dasent's involvement<br>7 with this case was, and this deposition, given<br>8 his presence here today. I asked point blank if<br>9 he's employed by your firm, and you said no, he's<br>10 not employed by your firm.   | 4 MR. AKERSON: Okay. And I would like to<br>5 further say, Mr. Dilday, are you her counsel of<br>6 record in the civil suit?  |
| 11 MR. DILDAY: That's correct.  | 7 MR. DILDAY: Clearly I am her attorney<br>8 of record.   |
| 12 MR. AKERSON: I understand he's<br>13 currently actively not a lawyer in Massachusetts.<br>14 Correct?  | 9 MR. AKERSON: Okay. This may seem<br>10 obvious, but you're sitting here in the<br>11 conference room across from me and next to Ms.<br>12 James.  |
| 15 MR. DILDAY: That is also correct.  | 13 MR. DILDAY: Absolutely.  |
| 16 MR. AKERSON: Okay. You had indicated<br>17 that Mr. James, the deponent's husband, had<br>18 planned to come to the deposition today, but was<br>19 unable to come, correct?   | 14 MR. AKERSON: Okay. I don't think it's<br>15 proper -- what I said before, on the record, and<br>16 for other reasons -- that Mr. Dasent sit in on<br>17 the deposition, given that he's not a lawyer,<br>18 he's not an employee of your firm. In my<br>19 understanding as an attorney, in 15 years,<br>20 friends are not allowed into depositions, which<br>21 is sworn testimony in a serious legal matter. If<br>22 Ms. James want to take periodic breaks in order<br>23 to befriend or talk to Mr. Dasent I would allow<br>24 that. We have a kitchen area where Mr. Dasent |
| Page 6  | Page 8  |
| 1 correct?  | 1 could sit down with a bottle of water, which<br>2 we'll be happy to provide, and then Ms. James can<br>3 go speak with him during the breaks in the<br>4 proceedings. That's my offer to you.   |
| 2 MR. DILDAY: That is correct.  | 5 MR. DILDAY: I understand. And I will<br>6 confer with her one more time.  |
| 3 MR. AKERSON: Now, given that Mr.<br>4 Dasent is not a lawyer with an appearance on this<br>5 case, he's not an employee of your firm --<br>6 therefore he has no connection to this case other<br>7 than as a friend to Ms. James -- I voiced my<br>8 objection off the record, and I'm echoing the<br>9 same objection now, while the record is being<br>10 produced.  | 7 MR. AKERSON: Okay. Because taking it<br>8 the next step, if you will, today is the day for<br>9 the deposition, and if we don't go forward today<br>10 we'll have to ask Judge Sorokin for his input on<br>11 how to handle discovery matters.  |
| 11 MR. PORR: And for the record, the City<br>12 of Revere and the city defendants that the city<br>13 solicitor's office represents joined and do join<br>14 in that objection.   | 12 Thank you.   |
| 15 MR. AKERSON: Okay.   | 13 MR. DILDAY: If we don't go forward<br>14 today doesn't mean that we cannot go forward. As<br>15 I stated clearly for the record, Ms. James is<br>16 concerned about being here without some moral<br>17 support other than her counsel. As I told you<br>18 before, she had hoped to have her husband with<br>19 her. He could not come because of some<br>20 baby-sitting duties.   |
| 16 MR. DILDAY: And, for the record, from<br>17 Ms. Pechner-James' side, it's her opinion that<br>18 she wanted to have somebody here for moral<br>19 support. Her husband could not come. She has a<br>20 bond with Mr. Dasent. She wanted him just to be<br>21 sitting here. Mr. Dasent will take no part in any<br>22 of the activities at the deposition, and his<br>23 sitting in the room would in no way be<br>24 detrimental to the deposition, and it's her | 21 Now, my question to you is, if she<br>22 brought her husband would you move to exclude him<br>23 also?   |
|   | 24 MR. PORR: I would, because he may very   |

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1 well be a material witness. He's a former officer  
 2 of the same police department. He himself filed  
 3 a complaint against that police department. And  
 4 so I would certainly object to his presence  
 5 because of that. I would not want his testimony  
 6 tainted.

7 MR. DILDAY: He would have access to  
 8 her grand jury minutes anyway once she gets them.  
 9 He would be able to read them with her, so he  
 10 would have access to her testimony regardless of  
 11 whether he would be here or not. So your  
 12 objection doesn't mean much.

13 MR. PORR: It does in the context,  
 14 though, that during the course of the deposition  
 15 if he was present during breaks and whatnot  
 16 he could potentially influence her testimony,  
 17 given what he's learning from her sitting in the  
 18 chair.

19 I understand he could read the  
 20 transcript later. I fully understand that, and  
 21 I'm aware of that. So I can't create a fail-safe  
 22 situation that's going to protect from the  
 23 potential that witnesses will influence each  
 24 other's testimony. But at least in the deposition

1 own prior employment with the City of Revere and  
 2 all the issues related to him, and the fact that  
 3 he, unlike Mr. Dasent, may very well be a witness  
 4 in this case, just depending on how things shape  
 5 up when the client goes to trial, as soon as it  
 6 does.

7 MR. AKERSON: I believe, also, Mr.  
 8 James may be a witness to the purported damage  
 9 claim, given that he's the spouse of the defendant  
 10 today.

11 MR. PORR: So your question in the  
 12 hypothetical, if we reconvene at another date  
 13 would we object to Mr. James, and my answer to  
 14 that is yes, for the same reasons we object to  
 15 Mr. Dilday's presence --

16 MR. DILDAY: Dasent.

17 MR. PORR: I'm sorry. Mr. Dasent's  
 18 presence -- my apologies -- plus the other  
 19 reasons already articulated.

20 MR. DILDAY: Let me go off the record  
 21 and speak to Ms. James again, and I'll be back.

22 MR. AKERSON: Okay. Go off the record,  
 23 then.

24 (Short recess.)

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1 context, while it is ongoing, the whole purpose,  
 2 as I understand the rules, is to provide at  
 3 least some basis of integrity for the system  
 4 so that the witness who is testifying is  
 5 testifying without the potential for undue  
 6 influence by others with no real standing in the  
 7 case and no real legal authority to impact the  
 8 case.

9 So I would have an objection to Mr.  
 10 James' presence, given those considerations which  
 11 aren't present at the moment, because he's not  
 12 here, so it's academic.

13 MR. DILDAY: Your objection goes beyond  
 14 Mr. Akerson's possible objection.

15 MR. AKERSON: It's a different issue.  
 16 Mr. Porr was just referencing if Mr. James was  
 17 here at the deposition.

18 MR. PORR: Mr. James and Mr. Dasent are  
 19 in entirely different categories.

20 MR. DILDAY: True.

21 MR. PORR: So my objection on a general  
 22 level is the same as to both in terms of their  
 23 presence in the deposition context.

24 Mr. James goes even farther, given his

1 MR. DILDAY: We're going to go forward.  
 2 MR. AKERSON: Just note for the record  
 3 that we're going to move forward with the  
 4 deposition today, January 10. Mr. Dasent is not  
 5 in the room.

6 Mr. Dilday, do you know where he went?  
 7 Did he leave the building?

8 MR. DILDAY: No, he's still in the  
 9 building.

10 MR. AKERSON: I just was going to take  
 11 a quick break. I'll -- if he's --

12 MR. DILDAY: I don't know what he's  
 13 going to do.

14 MR. AKERSON: Okay.  
 15 (Short recess.)

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| 1  | STIPULATION                                       | 1 Is that acceptable?                                |
| 2  | The parties stipulate that all                    | 2 A. Yes.  |
| 3  | objections except as to the form of the           | 3 Q. If you need to take a break, we have a          |
| 4  | question and all motions to strike are            | 4 bathroom here and, as I mentioned earlier, we      |
| 5  | reserved until the time of trial. The             | 5 have some water. Please let me know if you need    |
| 6  | deponent reserves the right to read and           | 6 to take a break, okay?                             |
| 7  | sign the transcript.                              | 7 A. Sure.   |
| 8  |   | 8 Q. I'm going to ask you some general               |
| 9  | TERRI PECHNER-JAMES,                              | 9 background questions, if you could just bear with  |
| 10 | having been satisfactorily identified             | 10 me, to try to get some of it on the record.       |
| 11 | by the production of her State-issued             | 11 Where are you currently living?                   |
| 12 | photo identification, and duly sworn by           | 12 A. Georgetown. Georgetown.                        |
| 13 | the Notary Public, was examined and               | 13 Q. Georgetown, okay. Do you own a home in         |
| 14 | testified as follows:                             | 14 Georgetown?                                       |
| 15 |   | 15 A. No.  |
| 16 | EXAMINATION BY MR. AKERSON:                       | 16 Q. Just to be clear, that's a town in             |
| 17 |   | 17 Massachusetts, Georgetown, Mass.?                 |
| 18 | Q. Good morning. Can you please state             | 18 A. Yes.   |
| 19 | your full name for the record?                    | 19 Q. Who are you living with currently in           |
| 20 | A. Terri James.                                   | 20 Georgetown?                                       |
| 21 | Q. Do you prefer to be called Ms. James?          | 21 A. My husband and my children.                    |
| 22 | A. Yes.   | 22 Q. Are you renting an apartment there?            |
| 23 | Q. I introduced myself earlier this               | 23 A. Yes.   |
| 24 | morning. That's the name you -- you said your     | 24 Q. You mentioned your husband. I believe          |
|    | Page 14   | Page 16  |
| 1  | name is Terri James, so I'll call you Ms. James   | 1 his name is Mark James?                            |
| 2  | in this deposition, unless there's an objection   | 2 A. Yes.  |
| 3  | from you.   | 3 Q. When did you get married?                       |
| 4  | As I mentioned earlier, I represent a             | 4 A. May of 2001.                                    |
| 5  | variety of individual defendants who you've       | 5 Q. Do you recall the date?                         |
| 6  | brought -- you and Sonia Fernandez have brought a | 6 A. Twelfth?  |
| 7  | lawsuit against. Are you aware of that?           | 7 Q. Twelfth?  |
| 8  | A. Mm-hmm.  | 8 A. Thirteenth? Twelfth.                            |
| 9  | Q. Just general background. To help the           | 9 MR. DILDAY: It's okay. It will be                  |
| 10 | stenographer, you need to answer with words.      | 10 okay.   |
| 11 | A. Okay.  | 11 Q. Okay, you mentioned you have two               |
| 12 | Q. It's difficult -- I understand it's            | 12 children. What are their names and ages, please?  |
| 13 | difficult -- to take down mm-hmm or a head shake. | 13 A. I have three children.                         |
| 14 | If I remind you, please don't think I'm being a   | 14 Q. Excuse me, three children.                     |
| 15 | pain. It's to get the stenographic record         | 15 A. Kenisha is my daughter's name,                 |
| 16 | accurate, okay?                                   | 16 K-e-n-i-s-h-a. She's 16. Ricky is my middle son.  |
| 17 | A. Sure.  | 17 He's 14. And Katelyn is my youngest. She's three. |
| 18 | Q. Couple of other ground rules                   | 18 K-a-t-e-l-y-n.                                    |
| 19 | generally.  | 19 Q. K-a-t-e-l-y-n?                                 |
| 20 | If you don't understand a question I'm            | 20 A. Yes.   |
| 21 | asking or you want me to repeat it or say it      | 21 Q. Thank you for spelling that.                   |
| 22 | louder please let me know, and I will do so. And  | 22 Your husband, Mark James, he's the                |
| 23 | I will also assume that you understand my         | 23 father of Katelyn?                                |
| 24 | question unless you tell me you don't.            | 24 A. Yes.   |

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| <p>1 may have. I think I may have taken a course.</p> <p>2 Q. What was that?</p> <p>3 A. Pat Rogers, at a seminar. I believe</p> <p>4 that was --.</p> <p>5 Q. It's also a seminar where you leave</p> <p>6 with some study materials?</p> <p>7 A. Right.</p> <p>8 Q. Okay.</p> <p>9 A. The second one I didn't -- I didn't</p> <p>10 take any courses.</p> <p>11 Q. I'd like to talk about your working</p> <p>12 career with the Revere police.</p> <p>13 After you graduated the Norwood</p> <p>14 academy, which you believe was approximately</p> <p>15 January of 1996, you said you then became a</p> <p>16 patrol officer for Revere. What was your</p> <p>17 assignment when you first started at the Revere</p> <p>18 P.D.?</p> <p>19 A. Patrol.</p> <p>20 Q. Any particular assignment or shift?</p> <p>21 A. Day shift.</p> <p>22 Q. Would that be cruiser patrol?</p> <p>23 A. Yes.</p> <p>24 Q. In Revere do they have one-man</p> | <p>1 A. Yes.</p> <p>2 Q. And that's actually what happened</p> <p>3 after your first six weeks on the job, you had a</p> <p>4 cruiser for yourself?</p> <p>5 A. Yes.</p> <p>6 Q. How long were you in the patrol</p> <p>7 function before you were assigned to another</p> <p>8 unit?</p> <p>9 A. Probably at least a year. Probably.</p> <p>10 I --</p> <p>11 Q. Okay.</p> <p>12 A. I could look and get the exact, you</p> <p>13 know -- the temporary assignment to CID. Just to</p> <p>14 -- it may have been a year.</p> <p>15 Q. I know you mentioned CID. What does</p> <p>16 that stand for, please, for the record?</p> <p>17 A. Criminal investigation division.</p> <p>18 Q. How did you get assigned to the CID</p> <p>19 unit?</p> <p>20 A. They put an order out that anybody who</p> <p>21 wanted to work a temporary assignment to learn</p> <p>22 how the criminal investigation division works was</p> <p>23 to sign up for the CID position.</p> <p>24 Q. And I gather you put your name in to</p>                   |         |
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| <p>1 cruisers or two-man?</p> <p>2 A. When we first got on they had two men,</p> <p>3 because you had --.</p> <p>4 Q. On-the-job training?</p> <p>5 A. Yes.</p> <p>6 Q. So once you started at Revere --</p> <p>7 A. Field training officer.</p> <p>8 Q. Okay. Who was your FTO, field training</p> <p>9 officer?</p> <p>10 A. Kenny Bruker.</p> <p>11 Q. Could you say that --</p> <p>12 A. Kenneth Bruker.</p> <p>13 Q. Is he still with the Revere P.D.?</p> <p>14 A. Yes.</p> <p>15 Q. Could you spell his last name?</p> <p>16 A. B-r-u-k-e-r.</p> <p>17 Q. How long was the field training with</p> <p>18 Officer Bruker?</p> <p>19 A. I believe it was six weeks.</p> <p>20 Q. And did you do it for the six weeks?</p> <p>21 A. Yes, I did.</p> <p>22 Q. I'm going to gather that after the</p> <p>23 six-week field training officer stint was done</p> <p>24 you then rode alone in a cruiser?</p>                                     | <p>1 be in the running for a temporary assignment to</p> <p>2 the CID unit?</p> <p>3 A. Yes.</p> <p>4 Q. What prompted you to sign up for that</p> <p>5 unit?</p> <p>6 A. I liked the work.</p> <p>7 Q. Okay. So would that have been roughly</p> <p>8 in the early part of 1997?</p> <p>9 A. No, I'm thinking, looking -- got an</p> <p>10 accommodation. For some reason I'm thinking it</p> <p>11 was in '96. I may have it. If I can take a</p> <p>12 minute, I may have the exact dates.</p> <p>13 Q. If you have something that would help</p> <p>14 you refresh your memory.</p> <p>15 (Witness examining documents.)</p> <p>16 A. June of '97.</p> <p>17 Q. If I can ask you, what are you looking</p> <p>18 at to help you refresh your memory?</p> <p>19 A. My general -- my personnel order that</p> <p>20 comes out. Anytime I had an assignment I</p> <p>21 photocopied -- it just has my assignment on it.</p> <p>22 (Handed to Mr. Akerson.)</p> <p>23 MR. DILDAY: Do you want to keep that</p> <p>24 as an exhibit?</p> |         |

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| <p>1 A. Or photocopy it. I would still like to<br/>2 keep my paperwork together.</p> <p>3 Q. Certainly. We'll leave this here for<br/>4 now.</p> <p>5 A. It was in '97.</p> <p>6 Q. Looking at the personnel --</p> <p>7 A. It was actually in '97. I was right<br/>8 with the year, looking.</p> <p>9 Q. So, personnel order number -- of the<br/>10 Revere police, I should say -- number 97-17, it<br/>11 says effective date of June 8 of 1997. That's<br/>12 when you started in the CID?</p> <p>13 A. Yes.</p> <p>14 Q. It says on there Officer Terri Pechner<br/>15 to two months special assignment to CID?</p> <p>16 A. Yes.</p> <p>17 Q. Other than the fact that you thought<br/>18 you would like to work in the detective unit, was<br/>19 there any other reason you went to that<br/>20 assignment?</p> <p>21 A. No. Not that I know of.</p> <p>22 Q. During your first, roughly, year and a<br/>23 half, for the years of 1996 through June of 1997<br/>24 who would have been your supervisor when you were</p> | <p>1 you returned to patrol in roughly August of 1997.</p> <p>2 I don't mean to interrupt you if<br/>3 you're thinking, but I didn't know if you were<br/>4 answering the question with a head gesture.</p> <p>5 A. No, I'm trying to -- I'm at a brain<br/>6 freeze. Can I look at my notes?</p> <p>7 Q. If you have something that would help<br/>8 your memory, I would rather you be accurate if<br/>9 you can.</p> <p>10 (Witness examining documents.)</p> <p>11 A. Can you ask your question again, sir?</p> <p>12 Q. Certainly. My question was, at some<br/>13 point in time your relationship with Bernard<br/>14 Foster changed from being that you got along<br/>15 great to something less than great, I gather, is<br/>16 that correct?</p> <p>17 A. Yes.</p> <p>18 Q. So my question was specifically, when<br/>19 did that relationship change, in your mind?</p> <p>20 A. When I went back to his shift.</p> <p>21 Q. When would that be?</p> <p>22 A. I went back to the day shift, I<br/>23 believe, sometimes toward -- sometime toward the<br/>24 end of August of '97.</p>   |
| Page 42   | Page 44  |
| <p>1 working patrol on the day shift?</p> <p>2 A. Lieutenant Foster.</p> <p>3 Q. Did you know Lieutenant Foster before<br/>4 starting at Revere P.D.?</p> <p>5 A. No.</p> <p>6 Q. When you started the job in patrol<br/>7 days in roughly -- I know you said you're not<br/>8 sure of the exact start date, but roughly January<br/>9 of 1996, after your graduation from the Norwood<br/>10 Police Academy, how did you get along with<br/>11 Lieutenant Foster?</p> <p>12 A. Great.</p> <p>13 Q. And at some point that relationship<br/>14 with Lieutenant Foster changed?</p> <p>15 A. Yes, when I got out of CID.</p> <p>16 Q. Okay. You made a gesture with your<br/>17 hand.</p> <p>18 A. So, June -- August.</p> <p>19 Q. Okay. It appears you were in CID for<br/>20 most of June and all of July, and going into the<br/>21 first week of August? Is that your memory now?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. So you're saying your<br/>24 relationship with Lieutenant Foster changed when</p>                      | <p>1 Q. You went back to the day shift,<br/>2 leaving the CID unit, and that was because it was<br/>3 a temporary assignment to CID?</p> <p>4 A. Going back days, it may have been --<br/>5 it may have been August 9 that I went back to the<br/>6 day shift. It changed before I left CID. Somebody<br/>7 had told me that he had a problem with me.</p> <p>8 Q. Okay --</p> <p>9 A. So I -- it changed before I actually<br/>10 -- before I got back to his shift. In my mind.</p> <p>11 Q. During the time you were in CID for<br/>12 the two months -- and I'll say for the two months<br/>13 of the summer of 1997 -- did you have any contact<br/>14 with Lieutenant Foster during that time period?</p> <p>15 A. Regular hello, goodbye, how are you.<br/>16 I was good friends with his daughter. I went to<br/>17 her wedding shower. Spoke to him at -- you know,<br/>18 spoke to him at family functions. Went over his<br/>19 house.</p> <p>20 Q. Again, this would be during the summer<br/>21 of 1997? Is that what you're referencing, ma'am?</p> <p>22 A. I don't remember what days I went over<br/>23 to his house. I was friends with his daughter, so<br/>24 I -- I don't remember the summer. I don't have</p> |

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1 what I did on my personal time, but --  
 2 Q. Okay. You're looking at a document  
 3 which appears to be a small calendar.  
 4 A. Mm-hmm.  
 5 Q. What is the purpose of the calendar,  
 6 ma'am?  
 7 A. Had a calendar since I got out of --  
 8 one thing they taught us in the academy is to  
 9 carry a book with you so that you can put dates  
 10 and times.  
 11 Q. By that do you mean in terms of when  
 12 you are scheduled to work any extra jobs or  
 13 training classes you have?  
 14 A. Yes.  
 15 Q. Are there any other personal items or  
 16 diary-like notations in the calendar you have in  
 17 front of you for the year 1997?  
 18 A. There's personal notes in here. Is  
 19 that --?  
 20 Q. Are there notations in the diary  
 21 regarding, in this case, Lieutenant Foster and  
 22 his interactions and treatments with you?  
 23 A. Yes.  
 24 Q. There are.

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1 A. Yes.  
 2 Q. And you indicated that was something  
 3 you learned at the police academy, to keep a  
 4 calendaring system when you're working as a  
 5 police officer?  
 6 A. Yes.  
 7 Q. That's the only reason you keep the --  
 8 A. I started doing it --  
 9 Q. -- I'll call it a little black book --  
 10 A. I've got one for pretty much every  
 11 year.  
 12 Q. Every year?  
 13 A. I guess if I learned something, I  
 14 learned to keep track of the days of the year,  
 15 week. Still do it.  
 16 Q. You mentioned Lieutenant Foster, your  
 17 relationship changed with him. What did you learn  
 18 during the summer of 1997 which made you believe  
 19 that relationship of Lieutenant Foster had  
 20 changed?  
 21 A. Supposedly, I said something about  
 22 him. That's all I knew.  
 23 Q. What are you supposed to have said  
 24 about the lieutenant, Lieutenant Foster?

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1 A. I have no idea. I don't know to this  
 2 day.  
 3 Q. Did you ask Lieutenant Foster what you  
 4 supposedly said about him --  
 5 A. Yes.  
 6 Q. -- that made him, toward you, the  
 7 relationship change?  
 8 A. I did.  
 9 Q. And did he respond?  
 10 A. Yeah.  
 11 Q. Did he tell you what you supposedly  
 12 said about him?  
 13 A. No.  
 14 Q. So as you sit here today you don't  
 15 know what it's alleged you said about Lieutenant  
 16 Foster?  
 17 A. No, to this day I don't know.  
 18 Q. Do you know the gist or the general  
 19 nature of what it was you supposedly said about  
 20 Lieutenant Foster?  
 21 A. Don't know.  
 22 Q. You have to answer -- okay.  
 23 A. Don't know.  
 24 Q. I'm assuming you spoke with Lieutenant

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1 Foster's daughter, Bernadette Foster, inasmuch as  
 2 you said you were friendly with her.  
 3 A. Mm-hmm.  
 4 Q. Right?  
 5 A. Yes.  
 6 Q. What did she say to you when you asked  
 7 her about why the change in the relationship with  
 8 her dad, Lieutenant Bernie Foster?  
 9 A. We really never got into my -- I mean,  
 10 I don't remember a conversation, how it was kept  
 11 -- our relationship was kind of kept outside of  
 12 his. I don't --  
 13 Q. Okay. Do you recall when it was that  
 14 you said something to Lieutenant Foster about  
 15 why --  
 16 A. See, I'm sorry --  
 17 Q. -- the relationship changed?  
 18 A. Can I answer that? I did ask  
 19 Bernadette, when I got back on, why her father  
 20 was mad at me.  
 21 Q. Okay. When did you ask Bernadette  
 22 Foster?  
 23 A. I don't remember the date. I remember  
 24 it was behind the police station. We were going

|    |   |    |   |
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| 1  | to our cars, leaving the shift. But I don't       | 1  | Q. Do you recall anything else that these         |
| 2  | remember getting, again, you know, I don't        | 2  | individuals said to you before you left the CID   |
| 3  | remember getting why he was mad. Somebody said I  | 3  | unit as to why Lieutenant Foster was upset at     |
| 4  | said something. That was -- it was -- you know,   | 4  | you?  |
| 5  | the rumor mill. Bingo hall.                       | 5  | A. Unless I look in my notes, I don't             |
| 6  | Q. I was just trying to place that                | 6  | want to --  |
| 7  | conversation with Bernadette Foster in a time     | 7  | Q. Okay, but as you sit there right now           |
| 8  | line. Do you remember when that was? Was that     | 8  | you don't remember anything else that was said to |
| 9  | while you were in the CID unit?                   | 9  | you about why Lieutenant Foster was upset with    |
| 10 | A. No, it wasn't. It was when I got back          | 10 | you.  |
| 11 | to the shift.                                     | 11 | A. No.  |
| 12 | Q. Do you recall what Bernadette Foster           | 12 | Q. What notes are you speaking of that            |
| 13 | said to you as to why her father was mad?         | 13 | you could look at which would refresh your memory |
| 14 | A. Couldn't have been much, because I             | 14 | of what individuals told you Lieutenant Foster    |
| 15 | don't remember.                                   | 15 | was upset with you?                               |
| 16 | Q. So you don't remember anything else            | 16 | A. My own personal notes.                         |
| 17 | she said about that topic.                        | 17 | Q. If you want to look at them now you            |
| 18 | A. No.  | 18 | may look at them. Your choice.                    |
| 19 | Q. Did you ask anybody else why                   | 19 | A. It was August 9 -- I don't -- August 9         |
| 20 | Lieutenant Foster was mad at you?                 | 20 | of '97 Officer Fish told me, but I didn't -- I    |
| 21 | A. Asked everybody.                               | 21 | wrote I was unsure as to why and what I did       |
| 22 | Q. Okay. Could you define "everybody"? I          | 22 | wrong, so --.                                     |
| 23 | don't know who you mean.                          | 23 | Q. Okay --  |
| 24 | A. Captain Roland, Roy Colannino, Russo.          | 24 | A. I don't have --                                |
|    | Page 50   |    | Page 52   |
| 1  | Q. Okay, well --                                  | 1  | Q. You referenced a moment ago that you           |
| 2  | A. Kevin Millerick.                               | 2  | wanted to look at your own personal notes.        |
| 3  | Q. I'll take a step back, if I can.               | 3  | A. Mm-hmm.  |
| 4  | What made you believe that Lieutenant             | 4  | Q. And I believe you just did, and you            |
| 5  | Bernard Foster was upset or angry with you? What  | 5  | mentioned that Kathy Fish had mentioned something |
| 6  | did he do or give or say to you?                  | 6  | to you on August 9, is that correct?              |
| 7  | A. Before I left the CID unit a couple of         | 7  | A. Mm-hmm.  |
| 8  | people approached me. I have -- if I can look     | 8  | Q. Is that a "yes"?                               |
| 9  | back in my notes, again I have who it was, a lot  | 9  | A. Yes, sir.                                      |
| 10 | of stuff. If you don't mind me taking a second -- | 10 | Q. And that would be August 9 of the              |
| 11 | Q. Sure, but as you're sitting here right         | 11 | year --   |
| 12 | now you don't remember who approached you and     | 12 | A. 1997.  |
| 13 | said things to you about why Foster was mad at    | 13 | Q. You're looking at some documents.              |
| 14 | you?  | 14 | There appears to be a stack of documents, maybe   |
| 15 | A. I think I remember one of them being           | 15 | three-quarters of an inch thick, and a variety of |
| 16 | Kathy Fish. Again, that's without looking at my   | 16 | stapled packets.                                  |
| 17 | notes.  | 17 | A. These are all the same.                        |
| 18 | Q. Just one second, if I may. We'll get           | 18 | Q. Okay. What is it you're looking at,            |
| 19 | to the name in the minute.                        | 19 | ma'am?  |
| 20 | What did these individuals say to you             | 20 | A. My calendar, my copies of -- these are         |
| 21 | about why Lieutenant Foster was mad at you?       | 21 | my -- these are my calendars. Notes that I put on |
| 22 | A. They didn't say anything. They just            | 22 | my calendars, just composed into one page.        |
| 23 | said, "Watch your back. Bernie is out to get      | 23 | Q. In making your own personal notes that         |
| 24 | you." That was --.                                | 24 | you have in front of you, why did you do that?    |

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|----|---|---|
| 1  | A. Because I can't remember anything in           | 1 Q. What occurred, if anything, in the             |
| 2  | chronological order.                              | 2 booking room on that August 24, 1997 occasion?    |
| 3  | Q. So it's something you decided to do on         | 3 A. He just started screaming at me. Said          |
| 4  | your own because it would be helpful to you?      | 4 he's done a lot -- he's done a lot for me and I   |
| 5  | A. Pretty much.                                   | 5 stabbed him in his back. And he's putting me on a |
| 6  | MR. AKERSON: I would like to take a               | 6 walking route until further notice. He didn't     |
| 7  | copy of those notes before we leave.              | 7 want to see my face inside the station or the     |
| 8  | MR. DILDAY: Mm-hmm.                               | 8 sub-station. Told me not to bother to speak with  |
| 9  | I should have said "yes". You know                | 9 him, and disregard the wedding invitation to his  |
| 10 | what I said.                                      | 10 daughter's wedding. I asked him what I had done  |
| 11 | MR. AKERSON: I got the hint. I know               | 11 so wrong to him. He stated that -- he told me he |
| 12 | it's hard.  | 12 had nothing else to say to me. To go to my       |
| 13 | Q. Ms. James, now having looked at your           | 13 assignment and make sure I'm there, because he's |
| 14 | notes, do you recall anything else that was said  | 14 going to be checking on me. And that was after I |
| 15 | to you about why Lieutenant Foster was upset at   | 15 had went to his daughter's wedding shower at     |
| 16 | you? Again, this would be in the summer of 1997.  | 16 Weylu's restaurant on June 29, '97.              |
| 17 | A. (Shaking head.)                                | 17 Q. It appears you just read something.           |
| 18 | Q. No?  | 18 A. Yes, sir.                                     |
| 19 | A. I don't recall.                                | 19 Q. And those are from your own personal          |
| 20 | Q. I know you're shaking your head.               | 20 notes?   |
| 21 | A. No.  | 21 A. Yes.  |
| 22 | Q. Thank you.                                     | 22 Q. When did you make the notes that you          |
| 23 | Again, in the summer of 1997 did you              | 23 have in front of you?                            |
| 24 | have any direct conversations with Lieutenant     | 24 A. When I started getting tortured.              |
|    | Page 54   | Page 56   |
| 1  | Foster about this information you had from Police | 1 Q. I'm sorry --                                   |
| 2  | Officer Kathy Fish?                               | 2 A. My notes --                                    |
| 3  | A. Did I have direct communication with           | 3 Q. I'm not trying to be cute. What do you         |
| 4  | him?  | 4 mean, when you started being tortured?            |
| 5  | Q. Yes. Did you speak to Lieutenant               | 5 A. My calendars go from when I was in the         |
| 6  | Foster in any way about what Kathy Fish had       | 6 academy. I started -- when I worked in CID one of |
| 7  | mentioned to you?                                 | 7 the things I learned from my superior officers in |
| 8  | A. On August 24 of '97.                           | 8 CID was to always keep a personal book of         |
| 9  | Q. Just for the record, again, you seem           | 9 incidents that happened on the job.               |
| 10 | to be looking at your own personal notes.         | 10 Q. A personal diary, if you will?                |
| 11 | A. Yes, sir.                                      | 11 A. Correct.                                      |
| 12 | Q. August 24 of 1997, you spoke with              | 12 Q. Who in CID told you to do that?               |
| 13 | Lieutenant Foster?                                | 13 A. Sergeant Pisano, Sergeant Borgioli.           |
| 14 | A. Yes.   | 14 Q. So you started keeping, if I may call         |
| 15 | Q. What happened on that occasion?                | 15 it a diary, of all your personal notes, after    |
| 16 | A. He called me into the booking room.            | 16 your temporary assignment to CID?                |
| 17 | The booking room of the Revere police station.    | 17 A. No, before that. Before my temporary          |
| 18 | Q. "He" being Lieutenant Foster?                  | 18 assignment.                                      |
| 19 | A. Yes.   | 19 Q. Did you keep a journal for your first         |
| 20 | Q. Okay. Do you recall what time of day           | 20 year and a half on the Revere Police Department? |
| 21 | it was?   | 21 A. Yes.  |
| 22 | A. No, I don't.                                   | 22 Q. What is the method in which you kept          |
| 23 | Q. And did you go to the booking room?            | 23 notes? Did you do it on a daily occasion, to     |
| 24 | A. Yes.   | 24 prepare these notes you're referencing, your     |

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|----|---|--|
| 1  | personal notes?                                   | 1 Q. -- a typewritten --                             |
| 2  | A. When I worked? Is that -- I mean --            | 2 A. And notebooks. I didn't have any rhyme          |
| 3  | Q. I'm just trying to figure out --               | 3 or reason. I just --.                              |
| 4  | A. There was really no rhyme --                   | 4 Q. Okay. And you still have the                    |
| 5  | Q. Every night would you sit down at a            | 5 notebooks?   |
| 6  | computer or note pad and write them out? That's   | 6 A. My notebooks?                                   |
| 7  | what I'm trying to figure out. What were the      | 7 Q. That's what I'm asking. The notebooks           |
| 8  | methods of your note-taking?                      | 8 you're referencing --                              |
| 9  | A. When I went to school I wrote down             | 9 A. Not here, but --                                |
| 10 | when I had school. If I took a day off I wrote    | 10 Q. -- which came to be or turned into the         |
| 11 | down when I took a day off. Got in an accident, I | 11 typewritten memo you have in front of you or, as  |
| 12 | wrote down about my accident. I'm -- I keep all   | 12 you called them, your personal notes.             |
| 13 | my -- I like to say, my files in order. So I, you | 13 A. Yeah.  |
| 14 | know, would write it down. If something happened  | 14 Q. You still have some of them, but not           |
| 15 | I'd write it down. I've got '96 in here, so I     | 15 with you currently, is that correct?              |
| 16 | mean --   | 16 A. Mm-hmm.  |
| 17 | Q. So when do your notes begin, the               | 17 Q. Yes?   |
| 18 | earliest date in time?                            | 18 A. Yes.   |
| 19 | A. March of '96.                                  | 19 Q. Okay.  |
| 20 | Q. That's a few months after you started          | 20 A. It's much easier to reference pages            |
| 21 | in the Revere police, as an officer on the        | 21 rather than going -- sometimes I have to, but --. |
| 22 | street?   | 22 Q. Okay.  |
| 23 | A. Yes.   | 23 A. My life in a book.                             |
| 24 | Q. The notes you have in front of you,            | 24 MR. AKERSON: Can we take a short                  |
|    | Page 58   | Page 60  |
| 1  | which you indicated, ma'am, started in March of   | 1 break? I'll make some copies of those for          |
| 2  | 1996, were they always computerized?              | 2 counsel.   |
| 3  | A. No.  | 3 MR. DILDAY: Sure.                                  |
| 4  | Q. Back in March of '96 were they                 | 4 (Five-minute recess.)                              |
| 5  | handwritten or on computer?                       | 5 MR. DILDAY: Let me say that during the             |
| 6  | A. Handwritten.                                   | 6 break I caucused with my client, and I talked to   |
| 7  | Q. At some point you changed the format           | 7 Carlton Dasent, and it's my understanding that     |
| 8  | and typed your handwritten notes?                 | 8 this document that she's been reading from her     |
| 9  | A. Yes.   | 9 notes was prepared at the request of Mr. Dasent    |
| 10 | Q. When was that done?                            | 10 when he was drafting the Complaint, and so, now   |
| 11 | A. 2001, when I filed a complaint with            | 11 that I know that, I would object, and we will not |
| 12 | MCAD.   | 12 turn it over, as it's something that was prepared |
| 13 | Q. Do you still have your handwritten             | 13 in preparation of litigation.                     |
| 14 | notes?  | 14 MR. AKERSON: Well, just for the                   |
| 15 | A. My calendars.                                  | 15 record, I think everything that was just said is  |
| 16 | Q. You have in your hand what looks like          | 16 contrary to everything on the record already in   |
| 17 | a monthly calendar for the year of 1997, which is | 17 this deposition regarding the documents, and also |
| 18 | about two -- say three inches by five inches.     | 18 they were requested under document requests and   |
| 19 | A. Here's my other one, so --.                    | 19 not produced, and there was no objection stated.  |
| 20 | Q. Okay. I guess, ma'am, what I'm just            | 20 Thereby, the objection is waived. So at this      |
| 21 | trying to find out is, you took information from  | 21 conference right now, the Rule 7.1, in advance of |
| 22 | your daily planners or calendars, and then you,   | 22 filing a motion for the documents, Mr. Dilday,    |
| 23 | in 2001, created it into a --                     | 23 are you saying that there's a stack of documents  |
| 24 | A. And notebooks.                                 | 24 which, in essence, is a diary or personal notes   |

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|--|--|
| 1 of Ms. James that you're not agreeing to produce?  | 1 going on a date with Robert Smith, that has        |
| 2 Is that correct?                                   | 2 nothing to do with this lawsuit, and you should    |
| 3 MR. DILDAY: Let me state that I'm not              | 3 not be privy to that.                              |
| 4 agreeing to produce these papers which I've        | 4 MR. AKERSON: But having gone on a date             |
| 5 recently found out were prepared in preparation    | 5 with Robert Smith, dated Robert Smith for a while  |
| 6 for litigation and prepared in the process of      | 6 and then had a harsh break-up, and that's          |
| 7 drafting a Complaint, and it's absolutely clear    | 7 memorialized in there, that certainly would        |
| 8 that I will not produce them today.                | 8 impact on the damages in terms of limiting these   |
| 9 MR. AKERSON: What Complaint are you                | 9 issues.  |
| 10 referencing?                                      | 10 (Counsel and witness conferring.)                 |
| 11 MR. DILDAY: The Complaint that we have            | 11 MR. DILDAY: We'll deal with that                  |
| 12 in court today, why we're here for this --        | 12 later.  |
| 13 MR. AKERSON: The court case.                      | 13 Like I said, I want to go through it              |
| 14 MR. DILDAY: Yes, the case in the                  | 14 with her. I've never seen these diaries.          |
| 15 federal court.                                    | 15 MR. AKERSON: The handwritten diaries              |
| 16 MR. AKERSON: I understand you're not              | 16 referenced earlier.                               |
| 17 producing them today. We'll have to take that up  | 17 MR. DILDAY: The handwritten diaries.              |
| 18 to Judge Sorokin.                                 | 18 I've never seen them. As I said, at this time I   |
| 19 Second topic: In terms of the original            | 19 have no objection giving them to you, but I would |
| 20 notes, we want a copy of the original notes made  | 20 like to go through them with Ms. Pechner-James    |
| 21 by Ms. Pechner-James which she indicated were in  | 21 and see what personal things should be redacted.  |
| 22 handwritten fashion beginning in March of 1996.   | 22 Let's say, for example, she said she              |
| 23 We want a copy of those.                          | 23 had sex with John Smith. That's none of your damn |
| 24 MR. DILDAY: Those handwritten notes               | 24 business. Do you think it is, in relationship to  |
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| 1 might be a different matter. What I mean by that,  | 1 this lawsuit?                                      |
| 2 those handwritten notes were not requested and     | 2 MR. AKERSON: I have no idea what's in              |
| 3 prepared in preparation of litigation. And so the  | 3 the diaries.                                       |
| 4 handwritten notes I, at this time, am not          | 4 MR. DILDAY: I don't either, but --                 |
| 5 objecting to. I reserve my right to object later   | 5 MR. AKERSON: To be honest with you,                |
| 6 on, but I'm not objecting to them at this time.    | 6 frankly, given the nature of the claim here, in    |
| 7 MR. AKERSON: Let's move on.                        | 7 terms of Ms. Pechner-James' -- correct me if I'm   |
| 8 MR. PORR: I believe she has the                    | 8 mistaken: Her allegation is that she's sensitive,  |
| 9 diaries, the calendars that have the handwritten   | 9 and she felt that these incidents of underwear     |
| 10 notes, with her?                                  | 10 hanging on the wall, somebody showing a dirty     |
| 11 MR. DILDAY: I talked to her about                 | 11 magazine, those are her allegations, and those    |
| 12 those diaries, and some of the issues in those    | 12 adversely affected her personally in terms of her |
| 13 diaries are strictly personal and have absolutely | 13 emotional and physical well-being. I think the    |
| 14 nothing to do with these proceedings. I would     | 14 issue of having sex with somebody certainly is in |
| 15 like to go through the diary with her, redact     | 15 play for this type of case.                       |
| 16 what's personal, and I have no problem giving     | 16 MR. DILDAY: I respectfully disagree.              |
| 17 those to you.                                     | 17 MR. AKERSON: Well, let's move on with             |
| 18 MR. AKERSON: I have a hard time                   | 18 the deposition. I'll note my objection, and I'll  |
| 19 understanding that inasmuch as there's a very     | 19 further note that we have had a Rule 7.1          |
| 20 broad, if you will, emotional damage claim, broad | 20 conference on this matter on the record, so we    |
| 21 in scope, in terms of time, and anything of a     | 21 can go forward. Okay, Mr. Dilday?                 |
| 22 personal nature which may adversely impact one's  | 22 MR. DILDAY: Mm-hmm.                               |
| 23 personal well-being certainly is --               | 23 MR. AKERSON: Mr. Porr, anything to                |
| 24 MR. DILDAY: If her diary said she's               | 24 add?  |

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| 1  | MR. PORR: No, I think we've covered               | 1 that correct?                                      |
| 2  | it.   | 2 A. Yes.  |
| 3  | MR. AKERSON: Likewise, the 7.1                    | 3 Q. Were you looking at a calendar or were          |
| 4  | conference?                                       | 4 you looking at your personal notes?                |
| 5  | MR. PORR: Yes, I'll be joining any                | 5 A. My notes --                                     |
| 6  | motion that's filed.                              | 6 Q. That we talked about earlier in the             |
| 7  | Q. Okay, Ms. James. Again, I'm going to           | 7 depo.  |
| 8  | direct your attention to the time period 1997.    | 8 A. My notes.                                       |
| 9  | You indicated your relationship with              | 9 Q. What did you say to Kevin Millerick on          |
| 10 | Bernard Foster had changed from a great           | 10 August 26 of 1997 about Lieutenant Foster?        |
| 11 | relationship to a less than great relationship.   | 11 A. "What did I did wrong?" I was still --         |
| 12 | Is that correct?                                  | 12 I was still upset. Just feel --                   |
| 13 | A. Mm-hmm.  | 13 Q. Anything else -- I'm sorry.                    |
| 14 | Q. You had indicated you mentioned this           | 14 A. I just feel the animosity. What did I          |
| 15 | change of relationship, I gather, to several      | 15 do wrong. He knew I was upset and he told me to   |
| 16 | different people. You mentioned Roy Colannino,    | 16 go home. Told me to go home early.                |
| 17 | Captain Roland, Chief Russo -- Deputy Chief --    | 17 Q. The "he" being Kevin Millerick?                |
| 18 | and Kevin Millerick. Do you recall stating that?  | 18 A. Kevin Millerick.                               |
| 19 | A. Mm-hmm.  | 19 Q. What was his rank at that time?                |
| 20 | Q. When did you talk to -- that's a               | 20 A. Sergeant.                                      |
| 21 | "yes"?  | 21 Q. Can you tell me anything further in            |
| 22 | A. Yes.   | 22 your memory about that conversation with Sergeant |
| 23 | Q. When did you speak to Roy Colannino            | 23 Millerick?  |
| 24 | and what did you say to him?                      | 24 A. No.  |
|    | Page 66   | Page 68  |
| 1  | A. I spoke to Kevin Millerick on August           | 1 Q. But as you sit here today your memory           |
| 2  | 26, 1997.   | 2 is exhausted of what you said to him and what      |
| 3  | Q. Ma'am, how, as you sit here today, are         | 3 Sergeant Millerick said to you on that August 26,  |
| 4  | you so certain of that date?                      | 4 1997 date about Lieutenant Foster?                 |
| 5  | A. Yes.   | 5 A. I don't remember Sergeant Millerick             |
| 6  | Q. No. How is it that you're so certain           | 6 ever telling me anything. He -- you know, he said  |
| 7  | of that date that you spoke with Kevin Millerick? | 7 he didn't know.                                    |
| 8  | A. Because I went home sick that day              | 8 Q. You said he also told you to go home.           |
| 9  | after speaking with Kevin.                        | 9 A. Right, because I was upset. Physically          |
| 10 | Q. One other point. Have you looked at            | 10 upset from the prior incident still.              |
| 11 | some documents --                                 | 11 Q. Did you say "physically" or "visibly"?         |
| 12 | MR. DILDAY: I'm sorry. Can I take one             | 12 I just couldn't hear you.                         |
| 13 | more break for a second? I apologize to you.      | 13 A. Both.  |
| 14 | MR. AKERSON: Certainly.                           | 14 Q. What did you say a moment ago?                 |
| 15 | (Short recess.)                                   | 15 A. "Physically".                                  |
| 16 | Q. Ms. James, I just asked you a question         | 16 Q. "Physically", okay. And how were you           |
| 17 | a moment ago. You mentioned a conversation with   | 17 physically upset on August 27, 1997 that Sergeant |
| 18 | Kevin Millerick that took place on August 26,     | 18 Kevin Millerick told you to go home?              |
| 19 | 1997. My question is, how are you so certain of   | 19 A. Just felt -- it's feelings. Is that            |
| 20 | that date?  | 20 what you -- just felt a little intimidated.       |
| 21 | A. It's in my calendar. I worked the              | 21 Q. You felt intimidated based on your             |
| 22 | shift with him.                                   | 22 conversation with Sergeant Millerick?             |
| 23 | Q. To be more clear, you were looking at          | 23 A. Whatever happened from the roll call           |
| 24 | a calendar when you testified to that date, is    | 24 to the period I went over there. I don't remember |

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1 what happened.  
 2 Q. Did something happen on August 26 with  
 3 regard to you and Lieutenant Foster on that day?  
 4 A. I was being assigned to a walking  
 5 route.  
 6 Q. Okay. A little bit about the City of  
 7 Revere Police Department. Back in August of 1997  
 8 did the City of Revere have walking routes?  
 9 A. Yes, they did.  
 10 Q. What are the walking routes? Are there  
 11 certain names for the parts of the city? What  
 12 were they called? A certain sector?  
 13 A. I don't -- I mean, there was certain  
 14 -- it was Shirley Ave., Broadway. I don't know if  
 15 there was any more.  
 16 Q. So there were at least two walking  
 17 routes, again as of August of '97, in Revere?  
 18 A. Yes.  
 19 Q. Okay. There were officers assigned to  
 20 these walking routes periodically?  
 21 A. Yes.  
 22 Q. Every day officers were assigned to --  
 23 A. No.  
 24 Q. -- one of these two walking routes,

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1 correct?  
 2 A. No.  
 3 Q. No?  
 4 A. No.  
 5 Q. Okay. And you felt, because you were  
 6 assigned to a walking route, that was punishment?  
 7 Is that correct?  
 8 A. I was told it was punishment.  
 9 Q. My question was, you felt it was  
 10 punishment, correct?  
 11 A. No, I was told it was punishment.  
 12 Q. Okay. So are you telling me you did  
 13 not feel that it was a punishment by your being  
 14 assigned to a walking route?  
 15 A. When you are told by somebody that  
 16 you're being punished, you're going to be walking  
 17 Shirley Ave., then you are led to believe that  
 18 you're being punished. So I guess it's a question  
 19 that --.  
 20 Q. Okay. And Lieutenant Foster was the  
 21 OIC in charge of the day shift, correct?  
 22 A. I don't know who it was in charge.  
 23 Q. Okay.  
 24 A. I know actually Sergeant Millerick

1 must have been in charge, because that's who sent  
 2 me home, so --  
 3 Q. Are you guessing that or do you know,  
 4 ma'am?  
 5 A. Guessing what? Who was in charge?  
 6 Q. Yes.  
 7 A. I don't know who was in charge.  
 8 Q. Lieutenant Foster, he was the one who  
 9 did the scheduling for the day shift, is that  
 10 correct, in a patrol capacity?  
 11 A. Yes.  
 12 Q. At that point you had been on the job  
 13 a year and eight months or so?  
 14 A. Mm-hmm. Yes.  
 15 Q. And you didn't feel you should be  
 16 doing walking assignments, is that correct?  
 17 A. Usually the assignments in the police  
 18 department -- again I'll say "usually" -- are by  
 19 seniority basis. Up until you get punished. Then  
 20 when you get punished you don't have seniority  
 21 anymore because you're assigned where the OIC  
 22 puts you.  
 23 Q. Okay. So in this case you felt that it  
 24 was improper for Lieutenant Foster to assign you

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1 to a walking beat. Again, this would be August of  
 2 '97.  
 3 A. Yes.  
 4 Q. And how long was it that you were  
 5 assigned to a walking beat? Again, time frame of  
 6 August of 1997.  
 7 A. 'Til I was transferred off the shift.  
 8 Q. Okay. Well, when were you transferred?  
 9 We haven't talked about that yet.  
 10 A. I don't remember the exact date.  
 11 Q. Is there anything which could refresh  
 12 your recollection as to when you were transferred  
 13 off the shift?  
 14 MR. DILDAY: Would your calendar  
 15 refresh you? The calendars that you have.  
 16 THE WITNESS: It's okay to use my  
 17 calendar?  
 18 MR. DILDAY: Yes.  
 19 The calendars I'm going to give you,  
 20 so I don't have a problem with that.  
 21 Q. We were talking about, ma'am, you said  
 22 you were transferred off the shift, which I  
 23 believe means the day shift, correct?  
 24 A. Mm-hmm.

|    | Page 73   | Page 75   |
|----|---|---|
| 1  | MR. DILDAY: Yes.                                  | 1 A. Yes.   |
| 2  | Q. Is that a "yes"?                               | 2 Q. And what does it say in your calendar          |
| 3  | A. Yes.   | 3 to remind you that on August 30, 1997 you spoke   |
| 4  | Q. Okay.  | 4 with Captain Colannino?                           |
| 5  | (Witness examining documents.)                    | 5 A. "Told Roy about Bernie."                       |
| 6  | MR. DILDAY: August of '97.                        | 6 Q. What did you tell Roy about Bernie on          |
| 7  | A. What was the question?                         | 7 that occasion?                                    |
| 8  | Q. You indicated, ma'am, you had                  | 8 A. That he's got some type of a problem           |
| 9  | transferred off of the day shift, whereupon you   | 9 with me, and I've been told by people that he was |
| 10 | stopped working a walking route for the Revere    | 10 out to get me. I have no idea why.               |
| 11 | P.D.. My question is, when was that transfer?     | 11 Q. And that would be -- I'm sorry, go            |
| 12 | A. Sorry, I can't read my own writing.            | 12 ahead, please.                                   |
| 13 | October 12, 1997.                                 | 13 A. That he was following me, he was              |
| 14 | Q. What about October 12 of 1997?                 | 14 coming down the walking route and driving by,    |
| 15 | A. That's when I was transferred to               | 15 telling me put my hat on. Just trying to         |
| 16 | nights.   | 16 intimidate me.                                   |
| 17 | Q. Did you request the transfer from the          | 17 Q. Those are the things you told to              |
| 18 | day shift to the night shift?                     | 18 Captain Colannino on August 30, 1997?            |
| 19 | A. Yes.   | 19 A. Mm-hmm.                                       |
| 20 | Q. Just to define, what hours were the            | 20 Q. You mentioned --                              |
| 21 | night shift that you were transferred to?         | 21 MR. PORR: Is that a "yes"?                       |
| 22 | A. Midnight to eight, four to midnight.           | 22 THE WITNESS: Yes.                                |
| 23 | Split shift.                                      | 23 Q. You mentioned one thing, he was               |
| 24 | Q. You had put the request in writing, or         | 24 following you. You mean Lieutenant Foster was    |
|    | Page 74   | Page 76   |
| 1  | could you tell me what the process is to get      | 1 following you on your shift?                      |
| 2  | transferred?                                      | 2 A. He would just keep driving around. The         |
| 3  | A. I didn't put it in writing.                    | 3 Shirley Ave. route was just Shirley Ave.. At that |
| 4  | Q. But it was a request on your part to           | 4 meeting with me -- there was a sub-station, so    |
| 5  | be moved from the day shift and go to the night   | 5 officers went into the sub-station on Shirley     |
| 6  | shift?  | 6 Ave. to do reports, make phone calls, and, you    |
| 7  | A. Yes.   | 7 know, he was making sure that I wasn't sitting in |
| 8  | Q. Upon your request for the transfer did         | 8 the sub-station, making sure that I wasn't at the |
| 9  | you advise anyone of the reason why you wanted to | 9 restaurant at the end of the street. Just making  |
| 10 | be transferred from days to the night shift?      | 10 sure that I had my hat on.                       |
| 11 | A. Yes.   | 11 Q. Can officers do anything else at a            |
| 12 | Q. Who was that?                                  | 12 sub-station other than use the phone or write    |
| 13 | A. Captain Colannino. Captain Roland.             | 13 reports?   |
| 14 | Russo. Chief Russo. It wasn't a secret.           | 14 A. Watch television. I don't know if             |
| 15 | Q. What wasn't a secret?                          | 15 there was a sub -- I don't know if there was a   |
| 16 | A. That I wanted to get transferred off           | 16 television in the sub-station.                   |
| 17 | of the day shift. Most of the supervisors knew.   | 17 Q. Officers could also, at the                   |
| 18 | Q. Okay, let's talk about the first one.          | 18 sub-station, hang out and socialize with other   |
| 19 | Captain Colannino.                                | 19 officers?  |
| 20 | A. Mm-hmm.  | 20 A. Yes.  |
| 21 | Q. When was it that you told him that you         | 21 Q. Have coffee?                                  |
| 22 | wanted to be transferred off of the day shift?    | 22 A. Yes.  |
| 23 | A. When was it? August 30, 1997.                  | 23 Q. Your concern, Ms. James, is that              |
| 24 | Q. You're looking at a calendar, correct?         | 24 Lieutenant Foster was following you in your      |

| Page 77   | Page 79  |
|---|--|
| <p>1 walking path, and making sure you were not<br/> 2 hanging out at the sub-station. Is it fair to<br/> 3 summarize your concern, ma'am?</p> <p>4 A. My concern is that he told me that he<br/> 5 was going to be watching me, so my concern was,<br/> 6 why am I being watched? What am I doing wrong? A<br/> 7 fear that whatever I was going to do was not<br/> 8 going to be the right thing for him.</p> <p>9 Q. What type of vehicle was Lieutenant<br/> 10 Foster in when he was driving around?</p> <p>11 A. Police cruiser.</p> <p>12 Q. How was he dressed?</p> <p>13 A. As a police officer.</p> <p>14 Q. Uniform? Revere police uniform?</p> <p>15 A. Right.</p> <p>16 Q. Was it a marked cruiser?</p> <p>17 A. Yes, it was a marked cruiser.</p> <p>18 Q. Were they during the hours of<br/> 19 Lieutenant Foster's shift that he was following<br/> 20 you when you were walking, and visiting, when he<br/> 21 went to the sub-station?</p> <p>22 A. Yes.</p> <p>23 Q. When Lieutenant Foster told you to put<br/> 24 on your hat, did you not have your hat on?</p> | <p>1 else?</p> <p>2 A. Not that I can remember.</p> <p>3 Q. Was anyone else present during the<br/> 4 conversation other than you and Captain Colannino<br/> 5 on August 30?</p> <p>6 A. No. I don't believe so.</p> <p>7 Q. Transferring from one shift to<br/> 8 another, are there certain times of the year when<br/> 9 you can request or bid to do that?</p> <p>10 A. Yes.</p> <p>11 Q. What times of the year are those, if<br/> 12 you know?</p> <p>13 A. I'm not sure. I don't remember.</p> <p>14 Q. Do you know, again back at the time<br/> 15 when you were employed for the Revere P.D., was<br/> 16 there a collective bargaining agreement between<br/> 17 the patrolmen and the city?</p> <p>18 A. Yes.</p> <p>19 Q. Were you a member of that collective<br/> 20 bargaining agreement?</p> <p>21 A. Yes.</p> <p>22 Q. Did that provide time periods when job<br/> 23 transfers could be made?</p> <p>24 A. I don't understand the question.</p>  |
| <p>1 A. Probably not.</p> <p>2 Q. Is the hat part of the police<br/> 3 officer's uniform?</p> <p>4 A. It is part of the officer's uniforms,<br/> 5 yes.</p> <p>6 Q. You told us what you said to Captain<br/> 7 Colannino on that August 30, 1997 date. Can you<br/> 8 remember anything else that you said to him?</p> <p>9 A. I have to refresh my memory.<br/> 10 (Witness examining document.)</p> <p>11 Q. I'm sorry, I didn't quite follow that.</p> <p>12 You said you're not -- what did you say, ma'am?</p> <p>13 A. I was going to refresh my memory.</p> <p>14 Q. I'm trying to find out, can you tell<br/> 15 us as you sit here today, is there anything else<br/> 16 that you can recall that you said to Captain<br/> 17 Colannino?</p> <p>18 A. Not at this time.</p> <p>19 Q. Could you tell me, on August 30, 1997,<br/> 20 what Captain Colannino said to you?</p> <p>21 A. He'd take care of it.</p> <p>22 Q. That's what he told you?</p> <p>23 A. Yeah.</p> <p>24 Q. Did Captain Colannino say anything</p>   | <p>1 Q. Sure. Is it your understanding that<br/> 2 the collective bargaining agreement, which<br/> 3 protected the patrolmen in its relationship with<br/> 4 the city, did that provide for any rules or<br/> 5 regulations on when you could request transfers?</p> <p>6 A. I'm not sure.</p> <p>7 Q. Other than the August 30, '97<br/> 8 conversation with Captain Colannino, did you have<br/> 9 any further conversations with him -- or I should<br/> 10 say after that date -- regarding Lieutenant<br/> 11 Foster's actions toward you?</p> <p>12 A. Yes.</p> <p>13 Q. Tell me about that.</p> <p>14 A. Tell you about the conversation with<br/> 15 Captain Colannino?</p> <p>16 Q. Yes. You've told us everything you<br/> 17 said you know about the August 30, 1997<br/> 18 conversation. My question was, were there any<br/> 19 subsequent meetings with Captain Colannino<br/> 20 regarding Lieutenant Foster's actions toward you?<br/> 21 (Counsel and witness conferring.)</p> <p>22 A. There was. I don't remember what the<br/> 23 date was.</p> <p>24 Q. Do you recall the substance of the</p> |

|  |  |         |
|--|--|---------|
|  | Page 81  | Page 83 |
| 1 conversation with Captain Colannino?<br>2 A. Yes.<br>3 Q. Would you be good enough to tell me<br>4 about that?<br>5 A. That Lieutenant Foster was harassing<br>6 me.<br>7 Q. Do you have any documents which would<br>8 indicate or refresh your memory as to the date of<br>9 that meeting?<br>10 A. Probably.<br>11 Q. Okay. Would you see if you could<br>12 refresh your memory?<br>13 MR. DILDAY: Look at your calendar.<br>14 THE WITNESS: I don't have my calendar.<br>15 This one, anyway.<br>16 Q. I'm sorry, I can't hear you.<br>17 A. It's not on my calendar.<br>18 Q. Do you have any documents other than<br>19 your calendar for 1997 which could refresh your<br>20 memory as to when you, again, spoke with Captain<br>21 Colannino and told him that Lieutenant Foster was<br>22 harassing you?<br>23 A. Yes, I do.<br>24 Q. Would you look at that and see if your   | 1 the judge about that.<br>2 MR. DILDAY: I understand. I have no<br>3 problem with that.<br>4 Q. So you told Captain Colannino that<br>5 Lieutenant Foster was harassing you, correct?<br>6 A. Yes.<br>7 Q. Did you give him details as to how you<br>8 came up with the conclusion that he was harassing<br>9 you?<br>10 A. It was well known in the police<br>11 department before I got out of CID that, you<br>12 know, he had obviously made comments that he was<br>13 out to get me. Other than the fact of being --<br>14 having, you know, sometimes three, four, five<br>15 junior officers -- like I said, you know, again,<br>16 seniority was, you know -- seniority was a big<br>17 thing in the police department, so you worked the<br>18 sector based on your seniority.<br>19 Q. Okay.<br>20 A. I -- I told him I couldn't eat, I<br>21 couldn't sleep. At one point, I don't know if I<br>22 was, you know -- that occasion or -- I requested<br>23 to see the city -- city doctor, psychiatrist,<br>24 because I couldn't sleep. |         |
|  | Page 82  | Page 84 |
| 1 memory can be refreshed?<br>2 MR. DILDAY: I've advised her not to<br>3 make any more comments regarding that document,<br>4 because I found out that it was drafted in<br>5 preparation of drafting the litigation, and in my<br>6 response to her, my directive to her is not to<br>7 make any more statements or answers from that<br>8 document.<br>9 Q. In your document, Ms. James -- you<br>10 called them earlier your personal notes -- does<br>11 that have a date on it when you met with Captain<br>12 Colannino? Again, after your August 30, 1997<br>13 meeting.<br>14 A. Yes.<br>15 Q. It does. Would you take a look at that<br>16 document, see if your memory can be refreshed as<br>17 to the date?<br>18 MR. DILDAY: The date is fine.<br>19 Better still, I won't let her use this<br>20 document anymore for the purposes of this<br>21 deposition.<br>22 So you can put that away.<br>23 MR. AKERSON: Mr. Dilday, as I<br>24 mentioned earlier, we're going to have to talk to | 1 Q. Again, that was in 1997?<br>2 A. I don't -- I don't -- I don't know if<br>3 it was '97. I don't recall the date. May have<br>4 been.<br>5 Q. Who was the city doctor that you<br>6 requested to see?<br>7 A. The same one that we went when we got<br>8 hired. Dr. Barry.<br>9 Q. How many times did you see Dr. Barry?<br>10 A. Five or six times.<br>11 Q. I know you said you saw him initially<br>12 when you were hired for the police job. You saw<br>13 him five or six times after that initial visit<br>14 with him?<br>15 A. Yes.<br>16 Q. Who requested to see Dr. Barry? Did<br>17 you request it or did the department request that<br>18 you see him?<br>19 A. No, I requested from the chief.<br>20 Q. Which chief?<br>21 A. From -- I think I might have requested<br>22 it from both. From Russo and the chief.<br>23 Q. Chief Colannino?<br>24 A. Yeah.   |         |

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|--|---|
| 1       Q. I know there was a period when there<br>2       was Chief Russo and then Chief Colannino. So is<br>3       it your understanding that five to six times you<br>4       requested of the chiefs, whether it's Russo or<br>5       Colannino, to see Dr. Barry? | 1       (Whereupon, at 12:25 p.m., a luncheon<br>2       recess was taken.)   |
| 6       A. I requested once or twice, and I just<br>7       followed up on my own. They didn't know --   | 3   |
| 8       Q. You mentioned assignments were based<br>9       on seniority. Where were you getting that from?<br>10      Was that a rule of the department or collective<br>11      bargaining agreement?   | 4   |
| 12      A. I don't remember.   | 5   |
| 13      Q. But you believe that assignments were<br>14      based on seniority in the department? That's --  | 6   |
| 15      A. That's what I was told.   | 7   |
| 16      Q. Is that your understanding, ma'am,<br>17      that's the sole measuring stick of how<br>18      assignments are given out?  | 8   |
| 19      A. Yes.  | 9   |
| 20      Q. Now --  | 10  |
| 21      A. Or patrol assignments.  | 11  |
| 22      Q. For patrol.   | 12  |
| 23      A. Correct.  | 13  |
| 24      Q. People of patrolman's rank, correct?  | 14  |
| Page 86  | Page 88   |
| 1       A. Yes.  | 1       A. Yes.   |
| 2       Q. In your second meeting, a date unknown<br>3       to us, because you won't look at your personal<br>4       notes, did Captain Colannino respond to you in<br>5       any way?  | 2       Q. Do you know the date of that second<br>3       complaint to Captain Colannino?   |
| 6       A. Yeah, he told me again he was going to<br>7       take care of it.  | 4       A. It was -- it wasn't Captain Colannino.<br>5       It was Chief Russo.  |
| 8       Q. Do you recall Captain Colannino saying<br>9       anything else?  | 6       Q. I'm --   |
| 10      A. I recall him telling me a story about<br>11      when he first got on the job, and --   | 7       A. It was somewhere after -- I would say<br>8       somewhere after June 30.  |
| 12      Q. Do you recall what the story was or<br>13      what point he was trying to make?  | 9       Q. Okay. What was somewhere after June<br>10      30? I don't follow you.   |
| 14      A. Yeah, "Toughen up." That was the<br>15      point.  | 11      A. Instead of going to Colannino, because<br>12      Colannino, instead of handling it, I had spoke --  |
| 16      Q. Did you ever talk to -- again, this is<br>17      the August of 1997 period -- did you ever talk to<br>18      Lieutenant Foster and tell him you did not want<br>19      to work a walking assignment?   | 13      you asked what I had said to Colannino. After<br>14      refreshing my notes, I asked him to have a<br>15      meeting with the three of us so I could find out<br>16      what it is that Bernie is so upset about --    |
| 20      A. I was called back in after I went to<br>21      Roy Colannino, I was called back in to the roll<br>22      call room by Lieutenant Foster --  | 17      Lieutenant Foster -- and instead of having the<br>18      meeting with the three of us he called in<br>19      Lieutenant Foster and had a conversation with<br>20      Lieutenant Foster, which I wasn't there, and just |
| 23      MR. AKERSON: Let's take a one-minute<br>24      break. I'll get some, Jim.   | 21      made the situation worse, at which time I was<br>22      telling you I was called in by Lieutenant Foster<br>23      after Captain Colannino spoke with him.<br>24      Q. If I could stop you right there. Just          |

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1 inasmuch as you used the pronoun "he" on a few  
 2 occasions, you've lost me, so let me take you  
 3 back.

4 Did you speak with Captain Colannino  
 5 on August 30, 1997 regarding your complaints and  
 6 the reasons why you want to be transferred off  
 7 days?

8 A. Yes.

9 Q. And you, earlier in this deposition,  
 10 explained what that conversation entailed. At  
 11 this point in time do you have anything else to  
 12 add about that August 30, 1997 conversation with  
 13 Captain Colannino?

14 A. Again, I don't know if I said I -- you  
 15 know, I asked him to find out what it was that  
 16 made Lieutenant Foster so angry. I asked if the  
 17 three of us could resolve -- have this issue  
 18 resolved quickly. I told him that I wasn't  
 19 sleeping. I wasn't eating. And at that point he  
 20 reassured me that it would be handled properly.

21 Q. You appear to be reading, Ms. James.  
 22 Where are you reading from?

23 A. From my notes.

24 Q. If you could direct my attention to

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1 ma'am, something that's been marked as Exhibit 1  
 2 to this deposition. Though we may have covered a  
 3 little bit previously, I want you to tell me how  
 4 this document, which appears to be 21 pages,  
 5 primarily single-spaced typewritten text, how  
 6 this came to be created.

7 A. Just after talking the first time I  
 8 put this document together for Carlton Dasent,  
 9 because it gave the -- as you can see on there,  
 10 it gave the structure of the police department,  
 11 what the ranks were, the officers' names, who may  
 12 or may not be -- you know, I -- again, these are  
 13 mine -- who was the chief at the time -- I mean  
 14 -- at the time, people that were named in the  
 15 complaint, just to make it a little bit easier  
 16 for Carlton to get together documents, I guess.

17 Q. As --

18 A. My -- he wanted to know what my  
 19 training was on the job.

20 Q. Okay. This document marked as Exhibit  
 21 1, when was it created?

22 A. I think, sometime in 2001. I don't  
 23 have a date on it.

24 Q. I didn't notice a date. That's why I

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1 what page you're talking about in your notes.

2 A. Page 5. August 30.

3 MR. AKERSON: If I may mark this as an  
 4 exhibit to the deposition.

5 MR. DILDAY: Yes, no problem.

6 Q. I'll place a document in front of you,  
 7 ma'am. Take a look, take a flip through it, and  
 8 tell me if you know what it is.

9 (Handed to witness.)

10 A. If I know what this document is?

11 Q. Yes.

12 A. A list of my notes.

13 Q. Okay --

14 A. Of the incidents that occurred while I  
 15 was on the job.

16 Q. It appears to be a 21-page document.  
 17 Is that your understanding, as well?

18 A. Yes. Twenty-one pages.

19 Q. That's a document that you created?

20 A. Yes.

21 MR. AKERSON: May I have this marked  
 22 number 1?

23 (Document marked.)

24 Q. I'm going to place in front of you,

1 was asking.

2 A. Yeah, I believe it was 2001.

3 Q. Was this document created all at the  
 4 same time?

5 A. Well, I think it took me a little  
 6 while to put together.

7 Q. Okay.

8 A. Twenty-one pages.

9 Q. I guess that's what I'm trying to  
 10 figure out. On how many occasions was it put  
 11 together?

12 A. I don't remember.

13 Q. Were there earlier versions of this  
 14 document marked as Exhibit number 1, although in  
 15 slightly different presentation?

16 A. I guess I don't understand the  
 17 question.

18 Q. Sure, that's fair. Fair response to a  
 19 bad question.

20 MR. DILDAY: I understood it.

21 THE WITNESS: Explain it to me.

22 Q. This 21-page document marked as  
 23 Exhibit 1, that you have before you, were there,  
 24 prior to this Exhibit 1's existence, were there